

REMARKS

Claim 15 has been cancelled, and Claim 13 has been amended to more definitely define the invention and obviate the rejections. Support for the amendment of claim 13 can be found in original claim 15, and the Specification on page 5, line 22, to page 6, line 3, page 6, lines 26-29, page 9, lines 19-22, page 13, lines 8-30, page 16, lines 9-20, page 17, lines 24-28, and page 19, lines 18-24. In addition, support can be found in Figures 8A, 10, 12, 15 and 16. The present amendment is deemed not to introduce new matter. Claims 1, 6, 7, and 12-14 are in the application.

Reconsideration is respectfully requested of the rejection of Claims 13-15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

Claim 13 has been amended to now recite that the float retains solidifying agent therein (i.e., the solidifying agent is retained within the float itself) for solidifying the liquid waste. In particular, as described on page 14, second paragraph, of the specification, the solidifying agent is retained within the float and, for example, when a water-absorptive material contained within the float absorbs enough water, a seal is broken, allowing the solidifying agent to be released from the float into the liquid waste.

It is believed that the rejection is now moot, in view of the amendments made to claim 13 herein. Withdrawal of the rejection is accordingly respectfully requested.

Reconsideration is respectfully requested of the rejection of Claim 13 under 35 U.S.C. § 102(b) as being anticipated by Leviton (4,384,580).

The Leviton reference discloses a suction canister system for serial collection of fluids, using a series of canisters placed under vacuum pressure. The Examiner is correct in stating that the

apparatus disclosed by Leviton contains a float. However, it is believed that Leviton provides no teaching or disclosure of said float being "a float to indicate the level of liquid", as pointed to by the Examiner as being disclosed in column 4, lines 18-21. Rather, the float described therein is a "float valve which seals off port 16 by floating against a valve seat associated therewith".

In contrast, the present invention claimed in amended claim 13 herein provides for a float valve acting as a *level gauge*, which can be viewed by a use of the present device to determine the exact quantity of liquid waste contained in the *transparent* canister bottle. In particular, the Leviton reference discloses neither the float being disposed in a canister bottle for indicating a level of the liquid waste, nor the float retaining solidifying agent for solidifying the liquid waste contained in the canister bottle. Rather, these teachings come only from the present invention, and constitute important elements or aspects thereof.

Further, as the Examiner has correctly noted on page 3 of the Office Action, the Leviton reference fails to disclose the transparent nature of the inner bag. To more clearly define the transparency aspect of the embodiment claimed in claim 13, said claim has been amended to state that, in such an embodiment, the canister bottle (comprising both the outer bottle and inner bag) are transparent, and the float acts as a level gauge, allowing a user to determine the exact level of liquid waste in the canister bottle. It is believed that such teaching is neither taught nor suggested in the Leviton reference.

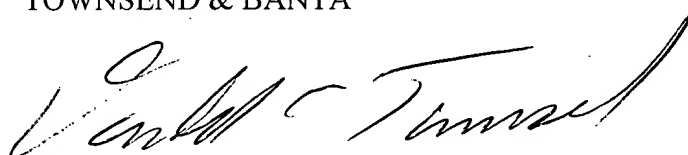
To constitute anticipation, all material elements of a claim must be found in one prior art source. *In re Marshall* 577 F2d 301 (CCPA 1978); *In re Kalm* 378 F2d 959, 154 USPQ 10 (CCPA 1967). As discussed above, the cited Leviton reference fails to disclose several of the now claimed elements in base claim 13. As such, it is respectfully submitted that the rejection based on

anticipation now fails as a matter of law. Further, in view of the deficiencies of the Leviton reference, and the amendments made to claim 13 herein, it is believed that the Leviton reference fails to render claim 13 unpatentably obvious. Withdrawal of the rejection is accordingly respectfully requested.

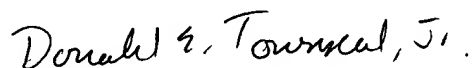
In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance, and early action and allowance thereof is accordingly respectfully requested. In the event there is any reason why the application cannot be allowed at the present time, it is respectfully requested that the Examiner contact the undersigned at the number listed below to resolve any problems.

Respectfully submitted,

TOWNSEND & BANTA

A handwritten signature in black ink, appearing to read "Donald E. Townsend", written in a cursive style.

Donald E. Townsend
Reg. No. 22,069

A handwritten signature in black ink, appearing to read "Donald E. Townsend, Jr.", written in a cursive style.

Donald E. Townsend, Jr.
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Date: August 28, 2003

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